

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING NATIONAL PHASE OF  
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: The Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
(Our Deposit Account No. 03-3975  
(Our Order No. 51079 / 236841  
C# / M#  
Atty. Dkt. 236841 / BO 41089 MKZ/ACW  
M# / Client Ref.  
Date: February 27, 1997

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

From: Cushman Darby & Cushman

This is a REQUEST for FILING a PCT/USA National Phase Application based on:

- |                                    |                                  |   |
|------------------------------------|----------------------------------|---|
| 1. International Application       | 2. International Filing Date     | 3. Earliest Priority Date Claimed                                       |
| PCT/ NL95 /00292<br>↑ country code | 30 August 1995<br>Day MONTH Year | 31 August 1994<br>Day MONTH Year<br>(use item 2 if no earlier priority) |

Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

- (a) [ ] 20 months from above item 3 date (b) [XX] 30 months from above item 3 date  
(c) Therefore, the due date (unextendable) is February 28, 1997

Title of Invention GRADUAL MODIFICATION, SUPER AGONISTS AND ANTAGONISTS OF SIGNAL-PROTEINS  
AND PEPTIDES

Inventor(s) SMIT, Victor et al

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. [X] Please immediately start national examination procedures (35 U.S.C. 371(f)).  
8. [ ] A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:  
a. [ ] Request;  
b. [ ] Abstract;  
c. pgs. Spec. and Claims;  
d. sheet(s) Drawing which are [ ] Informal [ ] formal of size [ ] A4 [ ] 13" [ ] 14"  
9. [X] A copy of the International Application has been transmitted by the International Bureau.  
10. A translation of the International Application into English (35 U.S.C. 371(c)(2))  
a. [XX] Is transmitted herewith including: (1) [ ] Request; (2) [ ] Abstract;  
(3) 28 pgs. Spec. and Claims;  
(4) 5 sheet(s) Drawing which are:  
[XX] Informal [ ] formal of size [ ] A4 [ ] 11"  
b. [ ] Is not required, as the application was filed in English.  
c. [ ] Is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.  
d. [ ] Translation verification attached (not required now).  
11. [X] PLEASE AMEND the specification before its first line by inserting as a separate paragraph:

--This application is the national phase of international application PCT/ NL95/00292  
filed August 30, 1995 which designated the U.S.--

12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in Item 3, are transmitted herewith (file if in English but, if in foreign language, file only if not transmitted by the International Bureau) including:
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau.
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in Item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered cancelled).
15. **A declaration of the inventor (35 U.S.C. 371(c)(4))**  
a. ☒ is submitted herewith ☐ Original ☒ Facsimile/Copy  
b. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**  
a. Was prepared by ☒ European Patent Office ☐ Japanese Patent Office ☐ Other  
b. ☒ has been transmitted by the International Bureau to PTO.  
c. ☒ copy herewith (1 pg(s).) ☒ plus Annex of family members (1 pg(s).)
17. **International Preliminary Examination Report (IPER):**  
a. ☒ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
b. ☒ copy herewith in English  
c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
c.2 ☐ Specification/claim pages # \_\_\_\_\_ ☐ Drawing Sheets # \_\_\_\_\_  
c.3 ☐ Which resulted in cancellation of pages # \_\_\_\_\_ claims # \_\_\_\_\_  
Dwg Sheets # \_\_\_\_\_  
d. ☐ Translation of Annex(es) to IPER (required by 30th month due date, or else annexed amendments will be considered cancelled).
18. **Information Disclosure Statement including:**  
a. ☐ Attached Form PTO-1449 listing documents  
b. ☐ Attached copies of documents listed on Form PTO-1449  
c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☒ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings:** \_\_\_\_\_ sheet(s) per set: ☐ 1 set Informal; ☐ Formal of size ☐ A4 ☐ 11"
22. ☐ \_\_\_\_\_ (No.) **Verified Statement(s)** establishing "small entity" status under Rules 9 & 27
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International stage based on the filing in (country) HOLLAND of:
- | Application No.    | Filing Date            | Application No. | Filing Date |
|--------------------|------------------------|-----------------|-------------|
| (1) <u>9401404</u> | <u>August 31, 1994</u> | (4) _____       | _____       |
| (2) <u>1000332</u> | <u>May 10, 1995</u>    | (5) _____       | _____       |
| (3) _____          | _____                  | (6) _____       | _____       |
- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.  
b. ☐ Copy of Form PCT/IB/304 attached.
24. Attached:
25. **Preliminary Amendment:** Cancel claims 1 to 53 and add claims 54 to 83 (see attached pages 1-6).

26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**  
 based on amended claim(s) per above item(s) [ ] 12, [ ] 14, [ ] 17, ~~[ ] 25~~ [ ] 25.5 (hilit)

If any proper (ignore improper) MULTIPLE DEPENDENT CLAIM is present, ----- add \$260/\$130 + 260.00 (968/969)

**A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", IL or "NZ"**

1.	Search Report was <u>not</u> prepared by EPO or JPO -----	add \$1040/\$520	+	-----	(\$519.91)
2.	Search Report was <u>prepared</u> by EPO or JPO -----	add \$910/\$455	+	910.00	(\$459.99)

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-> [ ] B.	If neither international search fee nor international preliminary examination fee was paid to <u>USPTO</u> , -----	add \$1040/\$520 + _____	(800/861)
(X) (only) -> [ ] C.	If international search fee was paid to <u>USPTO</u> (one) but not international preliminary examination fee, -----	add \$770/\$385 + _____	(668/669)
(of) (these)-> [ ] D.	If international preliminary examination fee was paid to (4) <u>USPTO</u> -----	add \$700/\$350 + _____	(668/667)
(boxes) -> [ ] E.	If international preliminary examination fee was paid to USPTO and Rules 492(a)(4) and 496(b) <u>satisfied</u> , -----	add \$96/\$48 + _____	(662/663)

28. If Assignment box 19 above is X'd, add Assignment Recording fee of - - - - - \$40.00 + 40.00 (581)

29. Attached is a check to cover the ----- **TOTAL FEES** \$ 1,576.00

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the Issue fee until/unless an Issue fee transmittal form is filed.**

**Cushman Darby & Cushman  
Intellectual Property Group of  
Pillsbury Madison & Sutro LLP**

**1100 New York Avenue  
Ninth Floor, East Tower  
Washington, D.C. 20005-3918  
Tel: (202) 861-3000  
Atty/Sec:CGL:mhn**

By Atty: Carl G. Love Reg. No. 18.781  
Fax: (202) 822-0944  
Sig: [Signature] Tel.: (202) 861-3518

**NOTE:** File in duplicate with 2 postcard receipts (CDC-103) & attachments.

08/807506



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trade Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/807506

SHIT

V

236841/B0410

INTERNATIONAL APPLICATION NO.

PCT/NL95/00292

I.A. FILING DATE

PRIORITY DATE

08/30/95

08/31/94

DATE MAILED: 01/13/98

CUSHMAN DARBY & CUSHMAN  
NINTH FLOOR EAST TOWER  
1100 NEW YORK AVENUE NW  
WASHINGTON DC 20005-3918

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

- The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.
- The United States Application Number assigned to the application is shown above and the relevant dates are:

**27 FEB 1997**

35 U.S.C. 102(e) DATE

**27 FEB 1997**DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

- ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on **27 FEB 1997** and the application will be examined in turn.

- The following items have been received:

☒ U.S. Basic National Fee.☒ Copy of the international application in:☐ a non-English language.☒ English.☐ Translation of the international application into English.☒ Oath or Declaration of inventors(s) for DO/EO/US.☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.The Article 19 amendments ☐ have ☐ have not been entered.☒ The International Preliminary Examination Report in English and its Annexes, if any.☐ Translation of Annexes to the International Preliminary Examination Report into English.The Annexes ☐ have ☐ have not been entered.☒ Preliminary amendment(s) filed **27 FEB 1997** and \_\_\_\_\_☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_☒ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed \_\_\_\_\_☐ Verified Statement Claiming Small Entity Status.☒ Priority Document.☐ Copy of the International Search Report ☒ and copies of the references cited therein.☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Karen McLean  
(703) 308-9117  
PCT International Division